

REMARKS

Applicants are filing this Response within the shortened statutory period. Consequently, Applicants believe that no fee is due with this filing; however, if a fee is due please charge Deposit Account No. 122158.

Claims 1-18 and 26-33 were presented for examination. The Office Action dated April 7, 2008 rejects claims 1-18 and 26-33. Applicants herein amend claim 1. Applicants herein cancel claims 2, 3, 11-18 and 26-33. Applicants are not conceding that the subject matter encompassed by claims 1-18 and 26-33 prior to this Amendment is not patentable over the art cited by the Examiner. Claim 1 was amended and claims 2, 3, 11-18 and 26-33 were canceled in this Amendment solely to facilitate expeditious prosecution of the remaining claims. Applicants respectfully reserve the right to pursue claims, including the subject matter encompassed by claims 1-18 and 26-33, as presented prior to this Amendment and additional claims, in one or more continuing applications. Claims 1 and 4-10 are now pending in the application.

Interview Summary

Applicants thank Examiner Madhu Khanna and Examiner Abdullahi Salad for the courtesy of a telephonic interview on June 10, 2008. The Examiners and Applicants' representative William Guerin discussed independent claim 1 with respect to U.S. Patent Publication No. 2003/0065721 to Roskind (hereinafter "Roskind"). A potential amendment to claim 1 to indicate that the modifications to the recited temporary reception list are made in response to non-messaging activities (e.g., received emails and scheduled items in calendar programs) was discussed and is addressed in more detail below.

Rejection of Claims 1, 11, 26 and 27 under 35 U.S.C. §102

The Final Office Action rejects claims 1, 11 and 26-27 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Pub. No. 2003/0065721 to Roskind (hereinafter "Roskind"). Claims 11, 26 and 27 are canceled herein therefore the rejection of these claims is rendered moot. Applicants respectfully traverse the rejection to the extent that it is maintained against claim 1 as

now set forth because the cited reference does not teach or suggest each and every limitation of Applicants' claimed invention.

Applicants' invention relates to a method for managing interruptions to a user on a network. Interruptions include chat messages that are delivered over the network to the user. Interruptions are typically presented to the user through a graphical user interface on a display and can be accompanied by an audible alert. According to the method, interruptions are presented to the user or withheld based on temporary and permanent reception lists that indicate senders from whom the network user is willing to accept an interruption. The temporary reception list is modified if it is determined that a retrospective activity has occurred during a time period defined by the user or if it is determined that a prospective activity is scheduled to occur in a time period defined by the user. Retrospective and prospective activities are defined as activities that are independent of communications having simultaneous participation between the network user and another network user (see, e.g., paragraph 00021 of Applicants' specification). Thus retrospective and prospective activities do not include activities directly associated with messaging sessions such as opening or closing a messaging session for communicating back and forth with another user.

Independent claim 1 is amended herein to more clearly recite the meaning of retrospective and prospective activities, and to recite that the user can define and change the time windows associated with retrospective and prospective activities for the purpose of screening interruptions. Support for the amendment can be found at least in paragraphs 0021, 0022 and 0024 of Applicants' specification. Independent claim 1 as now set forth recites, in part, "modifying a temporary reception list in response to at least one of a determination of an occurrence of a retrospective activity in a user-defined time period and a determination of a prospective activity scheduled to occur in a user-defined time period, the retrospective and prospective activities being activities that are independent of communications based on simultaneous participation between the network user and another network user."

Roskind discloses the personalization of instant messaging session information. As stated in the Office Action, a user can enforce preferences by using a "buddy list" to allow only certain users to contact the user. Roskind also discloses that a list of participant identities (the "Recent

“Contacts” group) can be maintained for participants that engaged in recent messaging sessions with the user.

The Office Action refers to paragraph 0110 of Roskind to show the modification of “a temporary reception list (e.g. Recent Contacts) in response to one of a retrospective activity and a prospective activity (screen names are added to and removed from the Recent Contacts group as IM sessions are opened and closed, and/or as membership limits are imposed on the Recent Contacts group).” Applicants respectfully submit that opening and closing IM sessions, and imposing IM membership limits, are not retrospective activities or prospective activities “that are independent of communications based on simultaneous participation between the network user and another network user.” Applicants specifically describe retrospective activities in the specification as “recently received asynchronous communications (i.e., communications without simultaneous participation between two or more users) via email and other media, completed tasks and “to do” items”” and prospective activities as “imminent events such as scheduled meetings and items on “to do” lists with near term completion dates” (see paragraph 0021 of Applicants’ specification). Thus the opening or closing of IM sessions and imposition of membership limits as described in Roskind are unrelated to and should not be construed as Applicants’ recited retrospective activities and prospective activities.

As Roskind does not teach or suggest each and every limitation in claim 1 as now set forth, Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. 102(e) be withdrawn.

Rejection of Claims 2-10, 12-18 and 28-33 under 35 U.S.C. §103

The Final Office Action rejects claims 2-4, 12, 14 and 28-29 under 35 U.S.C. §103(a) as being unpatentable over Roskind in view U.S. Patent No. 7,139,806 to Hayes et al. (hereinafter “Hayes”). The Final Office Action rejects claims 5, 15 and 30 under 35 U.S.C. §103(a) as being unpatentable over Roskind in view of U.S. Patent Pub. No. 2003/0055908 to Brown et al. (hereinafter “Brown”). The Final Office Action rejects claims 7 and 10 under 35 U.S.C. §103(a) as being unpatentable over Roskind in view of U.S. Patent Pub. No. 2005/0055405 to Kaminsky et al. (hereinafter “Kaminsky”). The Final Office Action rejects claims 6, 16 and 31 under

35 U.S.C. §103(a) as being unpatentable over Roskind in view of Kaminsky and in further view of U.S. Patent No. 6,988,128 to Alexander et al. (hereinafter “Alexander”). The Final Office Action rejects claims 8-9, 17-18 and 32-33 under 35 U.S.C. §103(a) as being unpatentable over Roskind and Kaminsky in view of U.S. Patent Pub. No. 2004/0068545 to Daniell et al. (hereinafter “Daniell”). The Final Office Action rejects claim 13 under 35 U.S.C. §103(a) as being unpatentable under Roskind in view of U.S. Patent No. 7,096,255 to Malik (hereinafter “Malik”).

Claims 2, 3, 12-18 and 28-33 are canceled herein therefore the rejection of these claims is rendered moot. Applicants respectfully traverse the rejection to the extent it is maintained against claims 4-10 after the entry of the amendment made herein because the cited references, either alone or in combination, do not teach or suggest every claimed element and limitation of Applicants’ invention.

Hayes, Brown, Kaminsky, Alexander and Daniell are used in the present Office Action to show limitations in the respective claims that are not taught or suggested by Roskind; however, these references also do not teach or suggest the claim limitations identified above with respect to claim 1 as missing from the disclosure of Roskind.

Dependent claims 4-10 depend directly or indirectly from independent claim 1 and incorporate all of the limitations of claim 1. Therefore Applicants submit that these dependent claims are allowable for at least the reasons presented above for claim 1, and Applicants respectfully request that the rejection of claims 4-10 be withdrawn.

CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims that have not been expressed.

In view of the remarks made herein, Applicants submit that the application is in condition for allowance and request early favorable action by the Examiner.

If the Examiner believes that a telephone conversation with the Applicants' representative would expedite allowance of this application, the Examiner is cordially invited to call the undersigned at (508) 303-2003.

Respectfully submitted,

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